

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-4129

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JONATHAN LEIGH SULLIVAN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Louise W. Flanagan, Chief District Judge. (5:09-cr-00302-FL-1)

Submitted: October 6, 2011

Decided: October 20, 2011

Before WILKINSON, and NIEMEYER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Marilyn G. Ozer, MASSENGALE & OZER, Chapel Hill, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Jennifer P. May-Parker, Joe Exum, Jr., Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jonathan Leigh Sullivan appeals his convictions and 340-month sentence imposed after he pled guilty to eleven counts of manufacturing child pornography, in violation of 18 U.S.C.A. § 2251(a) (West Supp. 2008), and one count of possession of child pornography, in violation of 18 U.S.C.A. § 2252A(a)(5)(B) (West Supp. 2008). On appeal, Sullivan argues that counsel rendered ineffective assistance by failing to arrange for him to view the images before trial. Sullivan claims that had he seen the images, he would have pled guilty sooner and received a shorter sentence.

Claims of ineffective assistance of counsel are not cognizable on direct appeal unless the record conclusively establishes ineffective assistance. United States v. King, 119 F.3d 290, 295 (4th Cir. 1997). Rather, to allow for adequate development of the record, claims of ineffective assistance generally should be brought in a 28 U.S.C.A. § 2255 (West Supp. 2011) motion. Id. Our review of the record leads us to conclude that it does not conclusively demonstrate that Sullivan's counsel was ineffective and therefore the claim is not cognizable here. United States v. Richardson, 195 F.3d 192, 198 (4th Cir. 1999).

Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately

presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED